



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/204,142	12/03/1998	YUKO ARAI	041-2048	5104

7590 06/03/2005

INTELLECTUAL PROPERTY LAW OFFICE OF
MICHAEL G. GILMAN, ESQ.
5522 RIVA RIDGE DRIVE
WESLEY CHAPEL, FL 33544

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/204,142

Applicant(s)

ARAI ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 87-114 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 87-114 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/4/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 87 and 103 have been considered but are moot in view of the new ground(s) of rejection.

The examiner has replaced the Yuen reference with citations from U.S. Patent 5,850,218 to teach simultaneous display of different levels of detail for a currently tuned channel service versus a respective non-tuned channel service (figures 16/21) as required by the claim amendments.

Applicants failure to traverse the Official Notice taken in the previous Office Action is taken as admission of prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 87-114 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,311,329 to Terakado in view of U.S. Patent 5,801,753 to Eyer in further view of U.S. Patent 5,850,218 to LaJoie.

Regarding claims 87 and 103, Terakado discloses

An electronic program information means for preparing (figure 4):

Distributing information indicating which channel service should be transmitted to which transport stream (column 6, line 60-column 7 line 3),

A plurality of channel services comprising,

A first type of EPG information concerning each of the channel services (Figures 4, A1 data, column 6, lines 39-column 7, line 46, column 9, line 42-column 10, line 13),

A second type of EPG information concerning each of the channel services (Figures 4, A2 data, column 6, lines 39-column 7, line 46, column 9, line 42-column 10, line 13).

Terakado fails to disclose transmitting different levels of detail for the first and second EPG information, transmitting them over different transport streams, and enabling the display of different levels of detail for a currently tuned channel service versus a respective non-tuned channel service.

LaJoie discloses in figures 16 and 22, an electronic program guide which displays a currently tuned program in a window 340, and displays a first level of detail (program title within the grid, along with channel number and start time), and a second level of detail (channel start time 346, title 374, program description 378, program characteristics 380) for the currently tuned program (column 23, line 51-column 24, line 7, column 27, line 64-column 28, line 15), thus enabling a user to readily learn more

Art Unit: 2611

about the program they are watching, and enable for a larger number of listings to be displayed on screen.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Terakado to display a higher level of EPG information for a currently tuned program as taught by LaJoie, thus enabling a user to readily learn more about the program they are watching, and enable for a larger number of listings to be displayed on screen.

The combination of Terakado and LaJoie fails to disclose transmitting different levels of detail for the first and second EPG information over different transport streams.

Eyer discloses a system in which a trickle stream and a demand stream provide EPG data (column 12, lines 30-61, column 17, lines 20-27). Title and description records for a EPG entry may be transmitted on separate streams, thus title information may be rapidly transmitted via the demand stream, and the description information may be transmitted via the trickle stream (column 17, lines 27-35), different categories of data, including MPEG data, may have their own PID (column 17, lines 36-50), thus maintaining data flow by retrieving listings information quickly via a demand stream.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Terakado and LaJoie to transmit the different types of EPG information in different transport streams as taught by Eyer thus maintaining data flow by retrieving listings information quickly via a demand stream.

Regarding claim 88, 93, 98, Terakado discloses in Figure 4, that the A2 set is more detailed than the A1 data set. Eyer is relied upon to teach that title information and program description information are transmitted separately (column 17, lines 27-30).

Regarding claims 89, 94, and 99, Terakado discloses in Figures 4 and 11, several sets of related EPG data A1-A3, each of which have differing layers of detail and differing program descriptions, and may be sent different streams or even different media; the data includes channel data and may be modified (column 6, lines 25-column 7, line 46, column 9, line 42-column 10, line 13).

Eyer discloses different transport streams for carrying program guide information, a trickle stream and a demand stream (column 4, lines 36-54).

Terakado and Eyer inherently transmit more detail over time during the EPG information updates as Terakado discloses that it may be transmitted via a stream and Eyer discloses that the demand stream carries titles and the trickle stream carries the description information. Since it takes time to transmit the program guide data and it cannot be instantly transmitted in its entirety, Terakado and Eyer must transmit more program guide information over time.

The combination of Terakado, Eyer and LaJoie does not disclose updating EPG information over time or for updating the start and end time of a program.

The examiner takes official notice that the transmission of EPG updates is notoriously well known in the art. For example, when a sporting or political event runs over its allotted time, updates may be sent out to a user informing them of the program

Art Unit: 2611

changes, thus enabling a user to easily find a program they wish to watch, even if it has been effected by scheduling changes.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Terakado, LaJoie and Eyer to transmit an EPG update to that a subscriber would be able to readily find programs they wished to watch.

Regarding claim 90, 95, and 100, Terakado discloses that the detailed program data may be modified by a user (column 6, lines 26-37).

Regarding claims 91, 96, 101 and 102, Terakado discloses that the amount of detail transmitted for each set of data is changeable (column 6, lines 25-47).

Regarding claim 92 and 107, Eyer is relied upon to teach an IPG system in which MPEG2 video programs are transmitted, video programs and IPG data are transmitted with PIDs (column 12, lines 15-61).

Regarding claims 97 and 111, Eyer discloses an IPG system in which MPEG2 video programs are transmitted, video programs and IPG data are transmitted with PIDs, the data is carried within the MPEG header (column 12, lines 15-61).

Regarding claims 104, 108 and 112, Eyer is relied upon to teach a system in which a trickle stream and a demand stream provide EPG data (column 12, lines 30-61,

column 17, lines 20-27). Title and description records for a EPG entry may be transmitted on separate streams, thus title information may be rapidly transmitted via the demand stream, and the description information may be transmitted via the trickle stream (column 17, lines 27-35).

Regarding claims 105, 106, 109, 110, 113 and 114, Terakado discloses in Figures 4 and 11, several sets of related EPG data A1-A3, each of which have differing layers of detail and differing program descriptions, and may be sent via different streams or even different media, the data includes channel data (column 6, lines 39-column 7, line 46, column 9, line 42-column 10, line 13), the program guide is displayed on a TV from data received in receiver 5 (column 5, lines 47-57).

Eyer is relied upon to teach a system in which a trickle stream and a demand stream provide EPG data (column 12, lines 30-61, column 17, lines 20-27). Title and description records for a EPG entry may be transmitted on separate streams, thus title information may be rapidly transmitted via the demand stream, and the description information may be transmitted via the trickle stream (column 17, lines 27-35).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

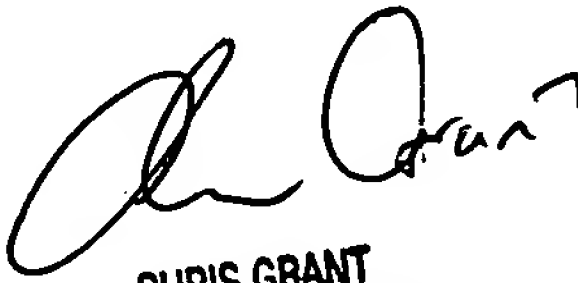
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



CHRIS GRANT
PRIMARY EXAMINER